

SENATE BILL 888

M4

2lr2677

By: **Senators Montgomery, Ramirez, and Stone**
Introduced and read first time: February 3, 2012
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Pesticides – Dealer Permits and Applications for Certified Applicators –**
3 **Background Checks**

4 FOR the purpose of requiring a certain background check for a person applying for a
5 pesticide dealer permit or to become a certain certified applicator; authorizing
6 the Department of Agriculture to charge a fee to cover costs associated with
7 certain background checks under certain circumstances; and generally relating
8 to pesticide dealer permits, applications for certified applicators, and
9 background checks.

10 BY repealing and reenacting, with amendments,
11 Article – Agriculture
12 Section 5–207
13 Annotated Code of Maryland
14 (2007 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Agriculture**

18 5–207.

19 (a) Each pest control consultant, pest control applicator, or public agency
20 applicator shall obtain an annual certificate indicating competence in one or more
21 established categories from the Secretary. Each private applicator shall obtain a
22 certificate which shall require periodic renewal as determined by the Secretary.

23 (b) Each application for a certificate by a pest control consultant or pest
24 control applicator shall be accompanied by a \$75 certificate fee plus \$25 for each

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 category in excess of one. Each application for a private applicator certificate shall be
2 accompanied by a fee of \$7.

3 (c) (1) (I) Each applicant for a pest control consultant certificate, pest
4 control applicator certificate, or public agency applicator certificate shall demonstrate
5 competence to consult on pest control or to apply pesticides safely in the State by
6 passing a written examination prepared and administered by the Department.

7 (II) There shall be no charge for an initial examination, provided
8 that each pest control applicator or each pest control consultant shall pay \$10 for each
9 examination retaken after initial examination.

10 (2) (I) Each applicant for a private applicator certificate shall pass
11 an examination given by the Department.

12 (II) A private applicator certificate is valid for 3 years and may
13 be renewed by the certificate holder by participation in training approved by the
14 Department.

15 (3) (I) **EACH APPLICATION FOR A PEST CONTROL CONSULTANT
16 CERTIFICATE, PEST CONTROL APPLICATOR CERTIFICATE, PUBLIC AGENCY
17 APPLICATOR CERTIFICATE, OR PRIVATE APPLICATOR CERTIFICATE SHALL BE
18 ACCOMPANIED BY A CERTIFIED POLICE AND FEDERAL AGENCY BACKGROUND
19 CHECK.**

20 (II) **THE BACKGROUND CHECK SHALL VERIFY THAT THE
21 APPLICANT:**

22 1. **IS NOT LISTED ON THE FEDERAL BUREAU OF
23 INVESTIGATION'S TERRORIST SCREENING DATABASE; AND**

24 2. **DOES NOT HAVE A DOCUMENTED CRIMINAL
25 HISTORY THAT WOULD INCREASE THE POTENTIAL FOR PURCHASING,
26 POSSESSING, TRANSFERRING, OR SELLING PESTICIDES THAT COULD BE USED IN
27 A CRIMINAL MANNER TO OTHER PERSONS.**

28 (III) **THE DEPARTMENT MAY CHARGE A REASONABLE FEE
29 FOR THE BACKGROUND CHECK IF THE DEPARTMENT:**

30 1. **CONDUCTS THE BACKGROUND CHECK; OR**

31 2. **CONTRACTS FOR A THIRD PARTY TO CONDUCT
32 THE BACKGROUND CHECK.**

1 (d) Each certificate shall be renewed upon payment of the certificate fee and
2 demonstration of satisfactory knowledge of pesticide use.

3 (e) Each place of business engaged in the business of conducting pest control
4 shall obtain an annual license indicating the category of operation.

5 (f) Each place of business engaged in the business of pest control or pest
6 control consulting shall pay to the Department an annual license fee of \$150 and shall
7 provide evidence of financial responsibility as required by the Department.

8 (g) Each license shall be renewed upon payment of the license fee and
9 submission of proof of liability insurance.

10 (h) A person who sells or distributes a restricted use pesticide shall hold a
11 dealer permit from the Secretary.

12 (1) Each application for a dealer permit shall be accompanied by a \$25
13 permit fee.

14 (2) Each dealer permit shall be renewed annually upon payment of the
15 permit fee.

16 **(3) (I) EACH APPLICATION FOR A DEALER PERMIT SHALL BE**
17 **ACCOMPANIED BY A CERTIFIED POLICE AND FEDERAL AGENCY BACKGROUND**
18 **CHECK.**

19 **(II) THE BACKGROUND CHECK SHALL VERIFY THAT THE**
20 **APPLICANT:**

21 **1. IS NOT LISTED ON THE FEDERAL BUREAU OF**
22 **INVESTIGATION'S TERRORIST SCREENING DATABASE; AND**

23 **2. DOES NOT HAVE A DOCUMENTED CRIMINAL**
24 **HISTORY THAT WOULD INCREASE THE POTENTIAL FOR PURCHASING,**
25 **POSSESSING, TRANSFERRING, OR SELLING PESTICIDES THAT COULD BE USED IN**
26 **A CRIMINAL MANNER TO OTHER PERSONS.**

27 **(III) THE DEPARTMENT MAY CHARGE A REASONABLE FEE**
28 **FOR THE BACKGROUND CHECK IF THE DEPARTMENT:**

29 **1. CONDUCTS THE BACKGROUND CHECK; OR**

30 **2. CONTRACTS FOR A THIRD PARTY TO CONDUCT**
31 **THE BACKGROUND CHECK.**

1 (i) A public agency that applies a pesticide shall hold an annual public
2 agency permit from the Secretary.

3 (j) (1) Any person who operates a pest control business shall register
4 annually with the Department each employee, other than a certified applicator, who
5 offers or performs pest control at each business location.

6 (2) The application fee to register an employee initially is \$30.

7 (3) The annual renewal fee to register an employee is \$30.

8 (k) If an application for renewal of a license, certificate, or registration is
9 received by the Department more than 30 days after the expiration of the license,
10 certificate, or registration, the applicant is subject to a \$30 late fee.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.